

ESTTA Tracking number: **ESTTA1260847**Filing date: **01/19/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner information**

Name	VOYAGER ENTERTAINMENT USA, INC.		
Entity	Corporation	Citizenship	California
Address	707 WILSHIRE BOULEVARD SUITE 5320 LOS ANGELES, CA 90017 UNITED STATES		
Attorney information	LAWRENCE J. CRAIN GREER, BURNS & CRAIN, LTD. 300 SOUTH WACKER DRIVE SUITE 2500 CHICAGO, IN 60606 UNITED STATES Primary email: <a href="mailto:tmddocket@gbc.law">tmddocket@gbc.law</a> Secondary email(s): <a href="mailto:lcrain@gbc.law">lcrain@gbc.law</a> , <a href="mailto:tzawaski@gbc.law">tzawaski@gbc.law</a> , <a href="mailto:smelby@gbc.law">smelby@gbc.law</a> 3129874002		
Docket no.	4982.149928		

**Registration subject to cancellation**

Registration no.	6007329	Registration date	03/10/2020
Register	Principal		
Registrant	PRO2131 LLC 15822 BIRCHVIEW DRIVE TOMBALL, TX 77377 UNITED STATES		

**Goods/services subject to cancellation**

Class 009. First Use: Dec 21, 2018 First Use In Commerce: Dec 21, 2018  
All goods and services in the class are subject to cancellation, namely: Downloadable video game software

**Grounds for cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)

**Registration subject to cancellation**

Registration no.	6007331	Registration date	03/10/2020
Register	Principal		
Registrant	PRO2131 LLC 3610-2 N. JOSEY LANE #223 CARROLLTON, TX 75007 UNITED STATES		

## Goods/services subject to cancellation

Class 041. First Use: Dec 21, 2018 First Use In Commerce: Dec 21, 2018  
All goods and services in the class are subject to cancellation, namely: Entertainment services, namely, providing online video games


## Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)

## Marks cited by petitioner as basis for cancellation

U.S. registration no.	4638913	Application date	08/28/2013
Register	Principal		
Registration date	11/18/2014	Foreign priority date	07/01/2013
Word mark	STAR BLAZERS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None Exposed cinematographic films; exposed slide films; slide film mounts; pre-recorded video discs and pre-recorded video tapes featuring animated cartoons, live action, namely, children's television shows, and TV dramas; Computer game programs for home video game machines; electronic circuits and CD-ROMs pre-recorded with computer game programs for hand-held computer games with liquid crystal displays; phonograph records featuring music; downloadable music files; downloadable image files featuring artwork and videos; electronic publications, namely, books and magazines in the field of animated cartoons, live action, namely, children's television shows, and TV dramas; computer game programs for arcade video game machines; simulators for the steering and control of vehicles; electronic sports training simulators; telecommunication machines and apparatus, namely, telecommunication cables; electronic machines, apparatus and their parts, namely, ticket issuing machines; 3D glasses for movie theaters; protective helmets for sports; weight belts for scuba diving; electronic circuits and CD-ROMs pre-recorded with automatic performance programs in the nature of electronic game programs for playing electronic musical instruments</p> <p>Class 028. First use: First Use: None First Use In Commerce: None Toys, namely, action figures and accessories therefor, plastic character toys and accessories therefor, rubber character toys and accessories therefor, model toy</p>		

	<p>vehicles and accessories therefor, plastic toy models and accessories sold as a unit, plush toys, and scale model vehicles; dolls; go games; Japanese chess (shogi games); Japanese playing cards (utagaruta); dice; Japanese dice games (sugoroku); dice cups; Chinese checkers; chess games; checkers; checker sets; conjuring apparatus, namely, magic tricks; dominoes; playing cards; Japanese playing cards (hanafuda); mah-jong; game machines and apparatus, namely, arcade game machines; amusement machines and apparatus for use in amusement parks, namely, amusement game machines; billiard equipment; sports equipment, namely, footballs, baseballs, basketballs, volleyball, rugby balls, American footballs, tennis balls and tennis rackets, bowling balls and bowling gloves, ice hockey sticks, golf balls, golf clubs, golf gloves, golf tees</p> <p>Class 041. First use: First Use: None First Use In Commerce: None</p> <p>Providing non-downloadable electronic publications, namely, books and magazines in the field of animation; services of reference libraries for literature and documentary records; publication of books; movie showing, movie film production, and movie film distribution; providing amusement facilities; rental of cine-films; rental of image-recorded magnetic tapes; arranging, conducting and organization of seminars in the field of animated cartoons, live action, namely, children's television shows, and TV dramas; art exhibitions; planning arrangement of movies, shows, plays or musical performances; presentation of live show performances; direction or presentation of plays; presentation of musical performances; production of radio or television programs; production of videotape film in the field of education, culture, entertainment or sports and not for movies, television programs, advertising or publicity; directing the making of radio and television programs; operation of video and audio equipment for the production of radio and television programs; organization of film festivals; organization of entertainment events for cultural purposes, excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races; providing audio or video studio services; providing sports facilities; providing facilities for movies, shows, plays, music or educational training; rental of records or sound-recorded magnetic tapes; rental of film negatives; rental of film positives; rental of toys; rental of amusement machines and apparatus; rental of game machines and apparatus</p>
--	--

U.S. registration no.	2037159	Application date	03/21/1996
Register	Principal		
Registration date	02/11/1997	Foreign priority date	NONE
Word mark	STAR BLAZERS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: Jun 24, 1988 First Use In Commerce: Jun 24, 1988</p> <p>(( prerecorded [ video tapes and laser discs, all containing ] * DVDs featuring * a science fiction television program or motion picture; )) and magnetic paper</p>		

	weights, namely, decorated magnetized flexible credit card sized strips used to hold paper objects to metal surfaces
--	--

U.S. application no.	79313047	Application date	03/29/2021
Register	Principal		
Registration date	NONE	Foreign priority date	12/23/2020
Word mark	STAR BLAZERS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None  Computer game software; downloadable computer game software; game programs for home video game machines; electronic circuits and CD-ROMs recorded with programs for hand-held games with liquid crystal displays; communication machines and instruments for game programs of arcade video game machines; electronic machines and electronic components</p> <p>Class 041. First use: First Use: None First Use In Commerce: None  Electronic games services; electronic games services provided by means of the Internet or other communication network; consultancy and provision of information relating to smartphone application game services</p>		

Attachments	75075926#TMSN.png( bytes ) 149928 Petition to Cancel.pdf(112428 bytes )
-------------	--

Signature	/TLZ/
Name	Tracy L. Zawaski
Date	01/19/2023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Registration Nos. 6007329 and 6007331  
For the Mark: STARBLAZER (stylized)  
Filed: August 15, 2019  
Registered: March 10, 2020

VOYAGER ENTERTAINMENT USA, INC.,	)	
Petitioner	)	
	)	Cancellation No. _____
v.	)	
	)	
PRO2131 LLC,	)	
Registrant.	)	
	/	

**PETITION FOR CANCELLATION**

The above-identified Petitioner believes that it is being damaged, and will continue to be damaged, by the registration of the marks identified above, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner, VOYAGER ENTERTAINMENT USA, INC., is a California corporation with an address of 707 Wilshire Boulevard, Suite 5320, Los Angeles, California 90017 ("Petitioner").
2. On information and belief, Registrant, PRO2131 LLC, is a Texas limited liability company with an address of 3610-2 N. Josey Lane #223, Carrollton, Texas 75007 ("Registrant").

**Petitioner's STAR BLAZERS Mark**

3. Petitioner's STAR BLAZERS mark was first used in the United States for an animated television series that was first broadcast in 1979.
4. Beginning in 1980, Petitioner's STAR BLAZERS mark was used in the United States for a board game.

5. Petitioner's STAR BLAZERS mark was subsequently used for video games and other collateral merchandise such as clothing, stickers and decals, magnetic paper weights, toys, books and DVDs, and other products.

6. On March 21, 1996, Petitioner filed U.S. trademark application Serial No. 75075926 to register the mark STAR BLAZERS (stylized) in Class 9.

7. Petitioner's U.S. trademark application Serial No. 75075926 was granted registration on February 11, 1997 under Registration No. 4638913 and currently protects "pre-recorded DVDs featuring a science fiction television program or motion picture; and magnetic paper weights, namely, decorated magnetized flexible credit card sized strips used to hold paper objects to metal surfaces" in Class 9.

8. On August 28, 2013, Petitioner filed U.S. trademark application Serial No. 79138287 to register the mark STAR BLAZERS (stylized). Application Serial No. 79138287 has a priority date of July 1, 2013.

9. Petitioner's U.S. trademark application Serial No. 79138287 was granted registration on November 18, 2014 under Registration No. 2037159 and covers "exposed cinematographic films; exposed slide films; slide film mounts; pre-recorded video discs and pre-recorded video tapes featuring animated cartoons, live action, namely, children's television shows, and TV dramas; computer game programs for home video game machines; electronic circuits and CD-ROMs pre-recorded with computer game programs for hand-held computer games with liquid crystal displays; phonograph records featuring music; downloadable music files; downloadable image files featuring artwork and videos; electronic publications, namely, books and magazines in the field of animated cartoons, live action, namely, children's television shows, and TV dramas; computer game programs for arcade video game machines; simulators for the steering and control of vehicles; electronic sports training simulators; telecommunication machines and apparatus, namely, telecommunication cables; electronic machines, apparatus and their parts, namely, ticket issuing machines; 3D glasses for movie theaters; protective helmets for sports; weight

belts for scuba diving; electronic circuits and CD-ROMs pre-recorded with automatic performance programs in the nature of electronic game programs for playing electronic musical instruments” in Class 9, “toys, namely, action figures and accessories therefor, plastic character toys and accessories therefor, rubber character toys and accessories therefor, model toy vehicles and accessories therefor, plastic toy models and accessories sold as a unit, plush toys, and scale model vehicles; dolls; go games; Japanese chess (shogi games); Japanese playing cards (utagaruta); dice; Japanese dice games (sugoroku); dice cups; Chinese checkers; chess games; checkers; checker sets; conjuring apparatus, namely, magic tricks; dominoes; playing cards; Japanese playing cards (hanafuda); mah-jong; game machines and apparatus, namely, arcade game machines; amusement machines and apparatus for use in amusement parks, namely, amusement game machines; billiard equipment; sports equipment, namely, footballs, baseballs, basketballs, volleyball, rugby balls, American footballs, tennis balls and tennis rackets, bowling balls and bowling gloves, ice hockey sticks, golf balls, golf clubs, golf gloves, golf tees” in Class 28, and “providing non-downloadable electronic publications, namely, books and magazines in the field of animation; services of reference libraries for literature and documentary records; publication of books; movie showing, movie film production, and movie film distribution; providing amusement facilities; rental of cine-films; rental of image-recorded magnetic tapes; arranging, conducting and organization of seminars in the field of animated cartoons, live action, namely, children's television shows, and TV dramas; art exhibitions; planning arrangement of movies, shows, plays or musical performances; presentation of live show performances; direction or presentation of plays; presentation of musical performances; production of radio or television programs; production of videotape film in the field of education, culture, entertainment or sports and not for movies, television programs, advertising or publicity; directing the making of radio and television programs; operation of video and audio equipment for the production of radio and television programs; organization of film festivals; organization of entertainment events for cultural

purposes, excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races; providing audio or video studio services; providing sports facilities; providing facilities for movies, shows, plays, music or educational training; rental of records or sound-recorded magnetic tapes; rental of film negatives; rental of film positives; rental of toys; rental of amusement machines and apparatus; rental of game machines and apparatus” in Class 41.

10. On March 29, 2021, Petitioner filed U.S. trademark application Serial No. 79313047 to register the mark STAR BLAZERS (stylized). Application Serial No. 79313047 has a priority date of December 23, 2020.

11. Application Serial No. 79313047 covers “computer game software; downloadable computer game software; game programs for home video game machines; electronic circuits and CD-ROMs recorded with programs for hand-held games with liquid crystal displays; communication machines and instruments for game programs of arcade video game machines; electronic machines and electronic components” in Class 9, and “electronic games services; electronic games services provided by means of the Internet or other communication network; consultancy and provision of information relating to smartphone application game services” in Class 41.

12. Petitioner’s U.S. trademark application Serial Nos. 79313047 was refused registration on the basis of likelihood of confusion with Registrant’s Registration Nos. 6007329 and 6007331.

13. Petitioner has spent significant resources marketing, advertising, and promoting its goods and services under the STAR BLAZERS mark throughout the United States and worldwide. As a result, Petitioner has established goodwill in, and public recognition of, the STAR BLAZERS mark. The STAR BLAZERS mark is a valuable asset.

#### **Registrant’s STARBLAZER Mark**

14. On August 15, 2019, Registrant filed U.S. trademark application Serial Nos. 88580194 and 88580224 to register the mark STARBLAZER (stylized) for “downloadable



video game software” in Class 9 and “entertainment services, namely, providing online video games” in Class 41, respectively.

15. In connection with Application Serial No. 88580194, on information and belief, Registrant claimed a date of first use of December 21, 2018 for use of the mark in connection with “downloadable video game software” in Class 9.

16. In connection with Application Serial No. 88580224, on information and belief, Registrant claimed a date of first use of December 21, 2018 for use of the mark in connection with “entertainment services, namely, providing online video games” in Class 41.

### **Priority of Use and Likelihood of Confusion**

17. Petitioner’s use of the STAR BLAZERS mark in commerce has priority over and precedes Registrant’s use of the STARBLAZER mark.

18. The STARBLAZER mark resembles Petitioner’s STAR BLAZERS mark such that, when used in connection with goods and services that are highly similar, or virtually identical, to Petitioner’s goods and services such that consumer confusion, mistake, and/or deception is likely to occur under 15 U.S.C. § 1052(d). Registrant’s use of the STARBLAZER mark for video games is also likely to falsely suggest a connection between Registrant and Petitioners under 15 U.S.C. § 1052(a).

19. The STARBLAZER mark is highly similar in appearance, sound, meaning, and commercial impression when compared to Petitioner’s STAR BLAZERS mark. Indeed, both marks are comprised of the formatives “STAR” and “BLAZER(S).” Thus, the dominant and source identifying features of both marks are identical.

20. On information and belief, the STARBLAZER mark is used for goods and services that are identical to, or overlapping with, the goods and services protected by Petitioner’s STAR BLAZERS mark.

21. If Registrant is permitted to retain the registrations for the STARBLAZER mark, consumer confusion, mistake, and/or deception under 15 U.S.C. § 1052(d) is likely to

result due to the similarities between the marks and the similarity of the goods and services provided by Registrant and Petitioner under their respective marks. Consumers familiar with Petitioner and the goods and services marketed under the STAR BLAZERS mark would be likely to purchase and/or attribute goodwill to Registrant's similar goods and services marketed under the STARBLAZER mark based on an erroneous assumption that Registrant's goods and services are provided, authorized, sponsored, endorsed by, or in some manner associated with Petitioner's goods and services. Moreover, consumers would be likely to associate any negative experiences with Registrant's goods and services marketed under the STARBLAZER mark with Petitioner's goods and services marketed under the STAR BLAZERS mark. Any such confusion, mistake, or deception would inevitably result in wrongful appropriation and/or tarnishment of Petitioner's valuable goodwill that is associated with the STAR BLAZERS mark, causing damage and injury to Petitioner.

22. Additionally, permitting Registrant to retain the registrations for the STARBLAZER mark would allow for the likelihood that consumers will falsely presume a correlation between Petitioner and Registrant and their respective goods and services under 15 U.S.C. § 1052(a) when, in fact, no such connection exists. Any such presumption would inevitably result in wrongful appropriation and/or tarnishment of Petitioner's valuable goodwill that is associated with the STAR BLAZERS mark, causing damage and injury to Petitioner.

23. If Registrant is permitted to retain the registrations for the STARBLAZER mark, further damage and injury to Petitioner would result, as Registrant would continue to possess at least a *prima facie* exclusive right to use the STARBLAZER mark for goods and services in Classes 9 and 41.

24. For the foregoing reasons, Petitioner has been harmed and will continue to be irreparably harmed by the registration of Registrant's STARBLAZER mark.

### **Conclusion**

25. Registrant is not entitled to registration of the STARBLAZER mark.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board sustain this Petition for Cancellation and cancel Registration Nos. 6007329 and 6007331 in their entireties, with prejudice.

The required fee is submitted herewith.

Dated: January 19, 2023

By /Tracy L. Zawaski/  
Tracy L. Zawaski  
Lawrence J. Crain  
Greer, Burns & Crain, Ltd.  
300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

*Attorneys for Petitioner*